

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF THE UNITED UNION  
ROOFERS, WATERPROOFERS & ALLIED  
WORKERS LOCAL UNION NO. 8 W.B.P. & A  
FUNDS,

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
05-CV-239 (CBA)

Plaintiffs,

-against-

CEMA CONSTRUCTION CORP.,

Defendant.

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AMON, United States District Judge:

Before the Court is plaintiff's motion for a default judgment against defendant Cema Construction Corp. ("Cema"). Plaintiffs, the Board of Trustee of the United Union Roofers, Waterproofers & Allied Workers Local Union No. 8 W.B.P. & A Funds ("plaintiffs") seek a default judgment against Cema in the amount of \$93,428.96. In plaintiffs' motion for default judgment, plaintiffs state that the amount of damages includes Benefit Fund Contributions due and owing in the sum of \$74,173.51 for the period January 1, 2004 through to and including December 31, 2005, with interest at the rate of 12% per annum on the principal amount of contributions owed through to February 2010 in the sum of \$16,225.45, as well as other fees and costs. (Pl.'s Mot. for Default J. at 1, ECF No. 19.) Plaintiffs' affidavit in support of a default judgment, however, states that interest on the unpaid fund contributions is to be calculated at a rate of "two percent above prime (5.25%) through to February 2010". (Pl.'s Aff. for Default J. at 3, ECF No. 19, Ex. 1.) Although Plaintiffs have indicated to the Court that the proper rate at which interest is to be calculated is twelve percent, the Court now orders plaintiffs to submit within 30 days a revised affidavit in support of the default judgment that includes the proper rate

of interest and sets forth the manner by which interest has been calculated through to February 2010.

SO ORDERED.

Dated: Brooklyn, New York  
July 2, 2010

s/Hon. Carol B. Amon

Carol Bagley Amon  
United States District Judge